

the State of Maryland of a quantity of the above-named product which was misbranded.

Analysis of a sample of the article showed that it consisted essentially of potassium iodide (44.8 grams per 100 cc.) and alcohol (5 percent).

The article was alleged to be misbranded in that the statements, (bottle label) "For Rheumatism, Arthritis, Neuritis, Lumbago * * * A Foe to Pain," and statements in an accompanying circular representing that it was efficacious in the treatment of rheumatism, arthritis, neuritis, sciatica, and lumbago; that it would heal, would restore to normalcy helpless victims of rheumatism, arthritis, neuritis, sciatica, and lumbago; that it would restore to health, would bring freedom from pain and distress, and would bring perfect health regardless of whether the condition was of recent origin or had developed to a serious stage; and that it would relieve suffering and disability, were false and misleading since it was not efficacious for such purposes.

On December 5, 1940, the defendant entered a plea of nolo contendere, was adjudged guilty, and a fine of \$25 was imposed.

492. Misbranding of Vitalex Perdiz. U. S. v. Manuel Perdiz (Vitalax Laboratories). Plea of guilty. Fine, \$100. (F. D. C. No. 2986. Sample No. 4576-E.)

The labeling of this product not only contained false and misleading statements regarding its therapeutic qualities, its vitamin B₁ content, and the absence of any injurious drugs, but the glass vial containing the tablets occupied only about one-half of the capacity of the carton in which they were packed.

On July 23, 1941, the United States attorney for the Western District of New York filed an information against Manuel Perdiz, trading as Vitalex Laboratories at Buffalo, N. Y., alleging shipment on or about May 16, 1940, from the State of New York into the State of Indiana of a quantity of Vitalex Perdiz which was misbranded.

Analysis of a sample of the article showed that it contained glycerophosphates of sodium and calcium, small proportions of iron phosphate, zinc phosphide, and nux vomica, and indications of brewers' yeast and extract of cod-liver oil, coated with calcium carbonate and colored pink. Biological examination showed that it contained approximately 5 International Units of vitamin B₁ per tablet.

The article was alleged to be misbranded: (1) In that the following statements (bottle label and wrapper, English) "Recommended for Tiredness, Loss of Weight, Irritability and Nervousness, Lack of Appetite, Lack of Energy and Pale Complexion when due to Nutritional Anemia or Secondary Anemia," and (translation from Spanish) "It is recommended for Fatigue, Loss of Weight, Irritability and Nervousness, Lack of Appetite, Lack of Energy and Pallor of the Face and Anemia caused by nutritional deficiency," were false and misleading since it would not be efficacious for such purposes. (2) In that representations in the labeling, i. e., the name "Vitalax" and the statement (wrapper) "This exceptional Tonic is made of fine ingredients of recognized medicinal value combined with vitamins B," and (wrapper and bottle label) "Active ingredients * * * vitamin * * * B * * * Dose 4 tablets a day," were false and misleading since they represented and suggested that the drug contained a therapeutic amount of vitamin B₁, whereas it contained an amount of B₁ which would be inconsequential for therapeutic purposes; and its labeling failed to reveal the fact, material in the light of such representations, that the total daily dosage recommended, i. e., 4 tablets, would supply less than one-thirtieth of the average therapeutic dose of vitamin B₁. (3) In that the statement (wrapper), "It does not contain any injurious * * * drugs," was false and misleading since it contained nux vomica and zinc phosphide, drugs which might be injurious. (4) In that its containers (cartons) were so made, formed, and filled as to be misleading.

On December 15, 1941, the defendant entered a plea of guilty and the court imposed a fine of \$100.

493. Misbranding of Dr. Shreve's Anti-Gall-Stone Remedy. U. S. v. 8 Packages of Dr. Shreve's Anti-Gall-Stone Remedy. Default decree of condemnation and destruction. (F. D. C. No. 3161. Sample No. 30909-E.)

This preparation consisted of a bottle of liquid and an envelope containing pills labeled "Dr. Shreve's S and L Pills."

On October 23, 1940, the United States attorney for the Northern District of Indiana filed a libel against 8 packages of Dr. Shreve's Anti-Gall-Stone